UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/119
22 February 2000

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 12 (a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement* submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31

[31 January 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

Everyone recognizes that indigenous women in Mexican society are doubly oppressed, both because they are indigenous and because they are women. Overcoming these challenges is an urgent goal for the United Nations and for Mexican society as a whole.

Indigenous women's struggle for recognition of their rights and validation of their role, both in and out of their communities, is an integral part of the struggle being waged today by the indigenous peoples of Mexico, their brothers and companions, their men, all are fighting together against racism and discrimination and for the enjoyment and exercise of human rights and fundamental freedoms.

Inequality and discrimination are palpable in the conditions to which indigenous peoples are subjected. They live under the harshest and most inhuman conditions of marginality and poverty.

In the municipalities with a majority of indigenous people the illiteracy rate is 43 per cent, (three times the national average), 58 per cent of 5-year-olds do not attend school and nearly a third of the population from 6 to 14 years of age cannot read or write. The illiteracy rate among indigenous women is over 60 per cent.

Violence towards women in Mexico has worsened, and spread to the Government in 1994, when the Chiapas Indian uprising took place. The uprising revealed the two faces of Mexico, mestizo Mexico and indigenous Mexico, and the marked inequalities, harassment and persecution and the rape of indigenous women.

In the most highly militarized regions, such as Guerrero, Oaxaca, Chiapas and the State of Hidalgo, men are not the only ones to suffer ill-treatment and human rights violations. Indigenous women are the favourite "war booty" of the police, army, armed paramilitary gangs and Guardia Blanca. They are used to violate and abuse the dignity and integrity of an entire people. They are used to punish the men fighting for justice for their people.

A few months after the Zapatista uprising a case of rape with violence was reported against three indigenous Tzeltal women by members of the Mexican army at a military compound near the municipality of Altamirano. 20-year-old Maria Teresa, 18-year-old Cristina and 16-year-old Maria Méndez, who were tortured.

Maria Teresa told how an argument developed among those waiting in the rest room at the post. "They were falling all over themselves to stay." When they closed the door they ordered them to "speak Spanish"; "if you stay the night you'll be safe"; the argument became more and more heated, until "they threw themselves on top of us". The three sisters stated that they were raped by 6 or 7 soldiers while the rest "just stood by".

Human rights bodies submitted a criminal complaint against the soldiers in question for rape with violence, improper use of public office, abuse of authority, threats, intimidation and related offences. On 1 July 1994, the Ministry of National Defence (SEDENA) rejected the charges against the military personnel involved in the case and threatened to submit complaints against those who, in the words of the army, had "slandered" the institution.

In September 1994 the case was transferred to the military court. At a meeting with representatives of Amnesty International in November 1995, the SEDENA military authorities explained that the three Tzeltal women had not answered a judicial summons issued by the military court hearing the case for the purpose of confirming their testimony.

In April 1999 a similar incident took place, in the Mixteca indigenous community of Barrio Nuevo San José, where two women, aged 30 and 60, were raped by military personnel who had burst into the community saying they were "looking for drug traffickers".

There is an ongoing land conflict between the communities of Tezontepec de Aldama, and Mixquiahuala, both in the State of Hidalgo; this problem could have been resolved peacefully by the people in question.

However, the authorities intervened. The Governor of the State of Hidalgo, Manuel Angel Nuñez Soto, promised to compensate the injured parties, build a clinic and provide the peasants with tractors, but did not follow through. In January 2000, the dissident members of the community of Mixquiahuala burst into Tezontepec, giving the police a pretext for entering Tezontepec, conducting searches and creating confusion.

They terrorized the women, threatened them with firearms, broke windows, destroyed mattresses and fired shots to frighten them. It has not been verified whether any cases of rape had taken place up to that point.

The Higher Education Institute, called the Mexe Hidalgo, is attended by some students from low-income families, mostly indigenous and peasant families. They are conducting a strike, with a list of demands aimed at improving their facilities, such as ending the Hidalgo State Government's threat to close the school. During the strike, the police evicted them from the premises, and the female students were attacked, their breasts were fondled and they were beaten.

Those involved in these attacks and rapes are members of the federal army, both enlisted men and officers, and the police. These acts are somewhat more than "uncontrollable" acts of war, according to the psychology of warfare, they are an attempt to undermine "the enemy's morale" by focusing actions on the most vulnerable sectors of the society.

In this situation, women represent the Achilles' heel for attacking the dignity and morale of the men, and the torment inflicted on the women is crueller, more inhuman and more degrading. The methods of torture are directed at their sexual and ethnic identity and their physical integrity.

There is room to cite only a few cases in this short statement. Many cases are not reported for cultural reasons or because of distrust of the authorities. Each indigenous community, each family, suffers, if not rape, then a deep and constant fear of rape. Violence against indigenous women in Mexico has intensified.

The issue of violence against women mobilized civil society and Governments, meeting at the Second World Conference on Human Rights in Vienna from 14 to 25 June 1993, which

recognized, in the section of the Vienna Declaration and Programme of Action entitled "The equal status and human rights of women" the importance and timeliness of integrating the advancement of women into the international human rights system.

The World Conference urged the full and equal enjoyment by women of human rights and that human rights should be a priority for Governments and for the United Nations. In particular, it stressed the importance of working towards the elimination of violence against women in public and private life and the elimination of gender bias in the administration of justice. It urged the eradication of all forms of discrimination against women, both hidden and overt, and the eradication of any conflicts which might arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

The Declaration stated that violations of the human rights of women in situations of armed conflict were violations of the fundamental principles of international human rights and humanitarian law, and that violations of that kind included murder, systematic rape, sexual slavery and forced pregnancy.

Such crimes meet with indulgence from the authorities, who because of their male-chauvinistic, self-centred and sexist attitude know no other way of behaving. They are not aware of a need to change. This attitude is part of their policy of controlling power. Typical of the Mexican Government is its tendency to sign agreements and not fulfil them, while saying the opposite and inviting United Nations officials in order to show them a disguised version of reality. The human rights and fundamental freedoms of indigenous people, especially indigenous women, in Mexico, are systematically violated in the absence of a Government willing to take responsibility for effective measures to put an end to such impunity.

Indigenous people, especially indigenous women, urge the United Nations authorities to place Mexico under permanent observation in connection with its administration of justice, indeed its systematic violation of the international instruments to which it is a party. It is necessary to reverse the distrust and cynicism towards the judical system and the prevailing impunity.

Women's organizations are also requesting direct United Nations observation of the situation in Chiapas and the growing militarization of the indigenous communities in that region and other parts of Mexico, the financing of paramilitary groups and the intimidation to which defenders of human rights and women's rights are subjected.